

REMARKS

This paper is in response to the office action mailed May 3, 2005. Claims 1-20 remain under consideration in the application. Claim 1 has been currently amended. No new matter has been added. Reconsideration and further examination of the application is respectfully requested.

The invention relates to a combination computer battery pack and port replicator.

Lai reference

Claims 1-4 and 19 have been rejected under 35 U.S.C. 102(e), as being anticipated by Lai (U.S. Pat. Application No. 2004/0246670). Applicant respectfully traverses the rejection on multiple grounds.

First, Applicant notes that Lai is not prior art for the purposes of 35 U.S.C. 102(e). Section 35 U.S.C. 102 states in pertinent part

A person shall be entitled to a patent unless--- ...
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent ... except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under article 21(2) of such treaty in the English language."

Section 351(a) states that "[t]he term 'treaty' means the Patent Cooperation Treaty done at Washington, on June 19, 1970."

The Lai application claims priority from an application filed in Taiwan on June 9, 2003. However, Taiwan is not a party to the Patent Cooperation Treaty, and so the Lai application cannot be "an international application filed under the treaty defined in section 351(a)." (35 U.S.C. 102(e)). The pertinent date for the Lai application is therefore the date on which it was filed in the United States, which is March 15, 2004. This is after Applicant's filing date of January 30, 2004, and therefore the Lai application cannot be "an application for patent ... by another filed in the United States before the invention by the applicant for patent." (35 U.S.C. 102(e)).

Second, Applicant respectfully traverses the rejection because the Lai application does not anticipate Applicant's claims 1-4 or 19. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed Cir. 1987).

Applicant's claim 1 as originally filed recites in part an auxiliary battery and the port replicator integrated into a single unit. Lai discloses an auxiliary battery and a port replicator, but does not disclose them integrated into a single unit. The port replicator and auxiliary battery of Lai are separate devices, as shown in Lai's Figures 1 and 2. In paragraph [18], Lai states that "...multiple expansion connectors 141 can be installed in the rear edge 14 of the base 1 for receiving, for example, the expansion battery pack 6 to extend the work time of the computer, or the expansion connectors 142, 143, 144 of a port replicator." (Emphasis added.) Clearly, the system of Lai does not attach an auxiliary battery and a port replicator to a computer at the same time, as would naturally occur if the two devices were integrated into a single unit. Because Lai does not disclose each and every element of Applicant's claim 1 as originally filed, claim 1 as amended to add a limitation is also not anticipated by Lai.

Applicant's claim 2 recites in part a computer accessory, comprising a docking connector, a battery and at least one communication port. Lai does not disclose a computer accessory comprising all of these elements. Lai's battery pack 6 does not comprise a communication port. Lai's port replicator does not comprise a battery. Because Lai does not disclose each and every element of Applicant's claim 2, claim 2 is not anticipated by Lai.

Applicant's claims 3 and 4 depend from unanticipated claim 2 and add further limitations, and thus cannot be anticipated by Lai.

Applicant's claim 19 recites

A computer accessory, comprising:
means for making an electrical connection between the computer accessory and a computer;
means for supplying electrical energy to the computer, from a battery comprised in the computer accessory, through the electrical connecting means; and
means for connecting the computer to at least one peripheral device through the electrical connection means.

Lai does not disclose a single computer accessory comprising all of a battery and means for making an electrical connection between the computer accessory and a computer and means for connecting the computer to at least one peripheral device through the electrical connection means. Because Lai does not disclose each and every element of Applicant's claim 19, claim 19 is not anticipated by Lai.

Bovio et al. Reference

Claims 1-20 have been rejected under 35 U.S.C. 102(e) as being anticipated by Bovio et al. (U.S. Pat. Application No. 2002/0181199).

Claim 1 has been amended to include the limitation of the computer accessory configured for portable operation with a computer. This change finds support in Applicant's specification at least in Figures 1 and 4 and at paragraphs [0020] and [0021]. Because no connection need be made at power receptacle 114, connecting computer accessory 101 to a source of mains power is optional for the purposes of claim 1, and computer accessory 101 is configured for portable operation with example computer 102. Paragraph [0021] describes operating the "system" (a computer and accessory 101) on battery power, and Figure 4 shows an example electrical arrangement for operating the system on battery power.

The Bovio application does not describe portable use of its computer accessory with a computer. Bovio et al. describe a "docking unit for a portable computer" (Bovio et al. paragraph [0006]) typically "located at the user's office" (paragraph [0002]). In fact, the Bovio et al. application states that its "docking unit ... is secured at a work area via a locking cable arrangement ..." (paragraph [0034]). Because Bovio et al. do not disclose each and every element of Applicant's claim 1 as amended, claim 1 is not anticipated by Bovio et al.

Applicant respectfully traverses the remaining rejections.

Applicant's claim 2 recites in part a docking connector and a battery, the battery powering a computer connected to the docking connector. The Bovio application does not describe its battery powering a computer. The device of Bovio et al. receives a battery into a charging cradle 122 (paragraph [0023]), but no mention is made of drawing power from the battery to power a computer. Because Bovio et al.

do not disclose each and every element of Applicant's claim 2, claim 2 is not anticipated by Bovio et al.

Applicant's claims 3-13 depend from unanticipated claim 2 and add further limitations, and therefore cannot be anticipated by Bovio et al. In particular regard to claim 9, Applicant's claim 9 recites the computer accessory of claim 2, wherein the docking connector connects to the computer through a cable. Bovio et al. do not describe a computer accessory comprising the elements of claim 2 wherein the docking connector connects to the computer through a cable.

Applicant's claim 14 recites in part a system comprising the computer accessory of claim 2. Because Bovio et al do not describe a computer accessory comprising all of the elements of Applicant's claim 2, Bovio et al. do not disclose a system comprising the computer accessory of claim 2. Because Bovio et al. do not disclose each and every element of Applicant's claim 14, claim 14 is not anticipated by Bovio et al.

Applicant's claims 15-18 depend from unanticipated claim 14 and add further limitations, and therefore cannot be anticipated by Bovio et al. In particular regard to claim 18, Applicant's claim 18 recites the system of claim 14, wherein the computer accessory is connected to the computer through a cable. Bovio et al. do not describe a system comprising the elements of claim 14 wherein the docking connector connects to the computer through a cable.

Applicant's claim 19 recites in part a computer accessory, comprising means for making an electrical connection between the computer accessory and a computer and means for supplying electrical energy to the computer, from a battery comprised in the computer accessory, through the electrical connecting means. Bovio et al do not describe means for supplying electrical energy to the computer, from a battery comprised in the computer accessory. Because Bovio et al. do not disclose each and every element of Applicant's claim 19, claim 19 is not anticipated by Bovio et al.

Applicant's claim 20 depends from unanticipated claim 19 and adds further limitations, and therefore cannot be anticipated by Bovio et al.

The examiner has made of record but not relied upon Grunow et al. (U.S. Pat. Application No. 2004/0066620) and Kim (U.S. Pat. No. 6,510,051). These references, taken singly or in combination, do not teach or suggest all of the elements of Applicant's claims.

Applicant believes this application is in condition for allowance, and such action is earnestly solicited.

Respectfully submitted,

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